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16
17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 REARDEN LLC and REARDEN MOVA
LLC,

21 Plaintiffs,

22 vs.

23 WALT DISNEY PICTURES, a California
24 Corporation,

25 Defendant.

Case No. 4:17-cv-04006-JST-SK

**DEFENDANT'S ADMINISTRATIVE
MOTION TO SEAL TRIAL EXHIBIT 388**

Judge: Hon. Jon S. Tigar
Magistrate Judge: Hon. Sallie Kim
Crm: 6 (2nd Floor)

ADMINISTRATIVE MOTION TO SEAL

Pursuant to Civil Local Rule 79-5(d) and (e) and this Court’s Standing Order Governing Motions to Seal (the “Standing Order”), Defendant respectfully moves to seal Trial Exhibit 388, such that this document need not be publicly filed at the conclusion of trial. Trial Exhibit 388 is identical to Trial Exhibit 1493, which the Court has already ordered to be sealed. Dkt. 665.

Pursuant to this Court’s Standing Order and Civil L.R. 79-5, Defendant presents the following:

- a. Defendant has reviewed and complied with this Court’s Standing Order.
- b. Defendant has reviewed and complied with Civil L.R. 79-5.
- c. Defendant identifies each document proposed to be sealed in the table below:

Document	Portion(s) To Be Sealed	Basis for Sealing
Trial Exhibit 388 (DIS-REARDEN-0034995)	Entirety	<p>This document is a spreadsheet containing data exported from SAP that reflects revenues and expenses for <i>BATB</i> through September 2023. This document contains highly confidential and sensitive information regarding specific dollar amounts for Defendant’s revenues and costs relating to <i>Beauty and the Beast</i>, through September 2023.</p> <p>Defendant has designated this information Highly Confidential – Attorneys’ Eyes Only pursuant to the stipulated protective order.</p> <p>The Court has already sealed an identical version of this document (Trial Exhibit 1493). Dkt. 665.</p>

Although the public enjoys a general right to inspect and copy public records, including judicial records, “access to judicial records is not absolute.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). At trial, the presumption in favor of access to judicial records may be overcome by “compelling reasons” that justify sealing them, such as the need to prevent court filings from serving as “sources of business information that might harm a [company’s] competitive standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978)).

1 Defendant seeks the sealing of Trial Exhibit 388, which is a report reflecting revenues and
2 expenses for *Beauty and the Beast* through September 2023. The previously-filed declaration of
3 Sarah Eggebrecht, Dkt. 662-2, and contemporaneously-filed declaration of John L. Schwab set
4 forth the compelling reasons for sealing this document. This document contains highly
5 confidential and sensitive information regarding specific dollar amounts for Defendant's revenues
6 and costs relating to *Beauty and the Beast*, through September 2023. Courts routinely seal similar
7 documents that contain competitively sensitive information, *see Intel Corp. v. VIA Techs., Inc.*,
8 198 F.R.D. 525, 531 (N.D. Cal. 2000), and this Court has already sealed an identical version of
9 this document as Trial Exhibit 1493, Dkt. 665.

10 At this time, Defendant only seeks to seal this document when exhibits are filed at the
11 conclusion of trial. Defendant does not seek to seal reference to, discussion of, or public display
12 of this document during trial.

13 Defendant is concurrently serving on counsel for Plaintiffs unsealed copies of the specified
14 exhibits, and is filing a certificate of service of the same.

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16 DATED: December 18, 2023

MUNGER, TOLLES & OLSON LLP

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18 By: /s/ John L. Schwab
JOHN L. SCHWAB

19 *Attorneys for Defendant*
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